

KAUAI PLANNING COMMISSION
REGULAR MEETING

Tuesday, October 27, 2015

9:00 a.m. or Soon Thereafter
Līhu'e Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Kauai, Hawai'i

AGENDA

- A. **CALL TO ORDER**
- B. **ROLL CALL**
- C. **APPROVAL OF AGENDA**
- D. **MINUTES of the meeting(s) of the Planning Commission**
 - 1. Meeting of September 8, 2015
 - 2. Meeting of September 22, 2015
- E. **RECEIPT OF ITEMS FOR THE RECORD**
- F. **HEARINGS AND PUBLIC COMMENT** (Noticed hearings will not commence until 9:00 a.m. or soon thereafter.) Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony shall also be accepted when the agenda item is taken up by the Commission. However if an individual has already testified during this period, additional testimony at the agenda item testimony may be allowed at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.
 - 1. **Continued Agency Hearing** (NONE)
 - 2. **New Agency Hearing**
 - a. Class IV Zoning Permit Z-IV-2016-3 and Use Permit U-2016-3 to facilitate conversion of a portable into an administration building and to accommodate future school improvements that includes classrooms and a gymnasium on the St. Catherine's Church/School campus, situated at the Kawaihau Road/Hauaala Road intersection and further identified as Tax Map Keys (4) 4-6-015:058, 060, 064 and 067, and containing a total area of approx. 11.76 acres = ***Roman Catholic Church***. [Director's Report received by Clerk of the Commission, Michael Dahilig 10/13/15.]

F. HEARINGS AND PUBLIC COMMENT (Cont'd)

3. Continued Public Hearing

- a. Zoning Amendment ZA-2015-7: A bill for an ordinance amending Chapter 8, Kauai County Code 1987, as amended, to establish a process to permit Homestays in the Commercial Districts, Resort Zoning Districts and Residential Zoning Districts = ***County of Kauai, Planning Department***. [Director's Report received, hearing continued 9/8/15.]
 1. Supplemental No. 1 Director's Report pertaining to this matter.
- b. A-2015-1: Request for State Land Use District Boundary Amendment from Agricultural District to Rural District.
ZA-2015-6: Request for County Zoning Amendment from Agriculture District (A) to Residential District (R-1).
Location: Kalaheo, Kauai. Located along the western side of Pu'u Road, approx. a quarter (1/4) mile west of the Pu'u Road/Papalina Road intersection and immediately adjacent to property identified as 2205 Pu'u Road, and containing a total area of 3.26 acres. Tax Map Key (4) 2-3-004: 006 = ***Gregory R. Kingsley, et al.***
[Director's Report received and hearing continued 7/28/15, hearing continued 8/25/15, deferred by applicant's request 9/22/15.]

4. New Public Hearing (NONE)

G. CONSENT CALENDAR

1. Status Reports

- a. 2015 Annual Status Report (12/9/15) from Michael J. Belles, Esq., Belles Graham Proudfoot Wilson & Chun, LLP., for Special Management Area Use Permit SMA(U)-2007-13, Project Development Use Permit PDU-2007-25 and Class IV Zoning Permit Z-IV-2007-29, Tax Map Keys 2-8-016:003, 004 and 2-8-015:043, 044, 082, Poipu, Kauai = ***SVO Pacific, Inc.***
 1. Director's Report pertaining to this matter.
- b. 2015 Annual Status Report (3/13/15) from Dustin Rivera, Materials Superintendent, Jas. W. Glover, Ltd., for Class IV Zoning Permit Z-IV-92-38, Use Permit U-92-36 and Special Permit SP-92-6, Tax Map Keys 2-9-006:005, 006 (Por.), Poipu, Kauai = ***Grove Farm Company (Owner)/Jas. Glover, Ltd. (Lessee)***.
 1. Director's Report pertaining to this matter.

2. Director's Report(s) for Project(s) Scheduled for Agency Hearing, November 10, 2015.

- a. Class IV Zoning Permit Z-IV-2016-4 and Use Permit U-2016-4 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road within the Shintani Subdivision in Kalaheo, situated at the terminus of Ulu Alii Street, approx. 850 ft. makai of the Ulu Alii Street/Waha Road intersection and further identified as 3957 Ulu Alii Place, Tax Map Key 2-3-015:052, and containing a total area of 10,042 sq. ft. = ***Patricia C. Pantone Trust.***

1. Director's Report pertaining to this matter.

H. EXECUTIVE SESSION (NONE)

I. GENERAL BUSINESS MATTERS

1. Petition to Appeal the Decision of the Planning Director by Jonathan Chun, Esq., representing ***Bryson K. Nishimoto and Catherine J. Nishimoto*** related to the forfeiture of Non-Conforming Use Certificate TVNCU #1171 (Ivy Place), Tax Map Key (4) 5-8-4:26, Wainiha, Kauai.
 - a. Director of Planning's Memorandum requesting referral of the matter to a Hearings Officer for hearing of the appeal (10/5/15.)
2. Petition to Appeal the Decision of the Planning Director by Jonathan Chun, Esq., representing ***Todd Schirm*** related to the forfeiture of Non-Conforming Use Certificate TVNCU #5138 (Hale Cook), Tax Map Key (4) 5-8-9:8, Wainiha, Kauai.
 - a. Director of Planning's Memorandum requesting referral of the matter to a Hearings Officer for hearing of the appeal (10/5/15.)

J. COMMUNICATION (For Action) (NONE)

K. COMMITTEE REPORTS

1. **Subdivision** Subdivision Action matters listed in the Subdivision Committee Agenda (attached).

L. UNFINISHED BUSINESS (For Action)

1. Letter (7/13/15) from Max Graham, Esq., confirming next status report for SMA(U)-2008-5, Use Permit U-2008-4 and Class IV Zoning Permit Z-IV-2008-6 in the matter of ***Charles Somers, as Trustee of the Charles Somers Living Trust dated November 12, 2002, and West Sunset 32 Phase 1 LLC*** is scheduled for September 22, 2015. [Deferred 9/22/15.]
 - a. Supplemental No. 2 Director's Report pertaining to this matter.
2. Class IV Zoning Permit Z-IV-2016-1 and Use Permit U-2016-1 to allow conversion of an existing residence into a bed and breakfast operation on a parcel located along the western side of Waha Road within the Shintani Subdivision in Kalaheo, situated approx. 500 ft. makai of the Ulu Alii Street/Waha Road intersection and further identified as 3913 Ulu Alii Street, Tax Map Key 2-3-015:061, and containing a total area of 10,098 sq. ft. = ***Monica Jean Adams-Hansen Trust***. [Director's Report received 9/8/15, Supplemental No. 1 Director's Report received 9/22/15.]
 - a. Supplemental No. 2 Director's Report pertaining to this matter.

M. NEW BUSINESS

1. **For Action – See Agenda F for Project Descriptions**

N. ANNOUNCEMENTS

1. Topics for Future Meetings
2. The following scheduled Planning Commission meeting will be held at 9:00 a.m., or shortly thereafter at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, Hawai'i 96766 on **Tuesday, November 10, 2015.**

O. ADJOURNMENT

EXECUTIVE SESSION: The Commission may go into an executive session on an agenda item for one of the permitted purposes listed in Section 92-5(a) Hawaii Revised Statutes ("H.R.S."), without noticing the executive session on the agenda where the executive session was not anticipated in advance. HRS Section 92-7(a). The executive session may only be held, however, upon an affirmative vote of two-thirds of the members present, which must also be the majority of the members to which the board is entitled. HRS Section 92-4. The reason for holding the executive session shall be publicly announced.

NOTE: Special accommodations and sign language interpreters are available upon request five (5) days prior to the meeting date, to the County Planning Department, 4444 Rice Street, Lihue, Hawaii 96766. Telephone: 241-4050

KAUAI PLANNING COMMISSION
SUBDIVISION COMMITTEE MEETING
Lihue Civic Center, Moikeha Building
Meeting Room 2A-2B
4444 Rice Street, Lihue, Hawai‘i 96766

Tuesday, October 27, 2015, 8:30 A.M.

AGENDA

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. MINUTES of the meeting(s) of the Subdivision Committee

1. Meeting of September 22, 2015

E. RECEIPT OF ITEMS FOR THE RECORD

F. HEARINGS AND PUBLIC COMMENT

Individuals may orally testify on items on this agenda during the Public Comment Period. Please call the Planning Department prior to the meeting or notify Commission Staff at the meeting site. Testimony may also be accepted when the agenda item is taken up by the Commission at the discretion of the Chair. Testifiers shall limit their testimony to three (3) minutes, but may be extended longer at the discretion of the Chair. Written testimony is also accepted. An original and twelve (12) copies of written testimony can be hand delivered to the Planning Department or submitted to Commission Staff at the meeting site.

G. GENERAL BUSINESS MATTERS

H. UNFINISHED BUSINESS

I. NEW BUSINESS (For Action)

1. Tentative Subdivision Action
 - a. Subdivision Application No. S-2013-23
(**Roy K. Morita, Marvin M. Morita, Beverly S. Morita**)
Proposed 6-lot Subdivision
TMK: (4) 4-6-006:017, 019, 020
Kapa‘a, Kaua‘i
1. Subdivision Report pertaining to this matter.

I. NEW BUSINESS (For Action) Continued

1. Tentative Subdivision Action (Cont'd)

- b. Subdivision Application No. S-2015-13
(A & B/McBryde Sugar Co. LLC/Kukui‘ula Development Co., LLC)
Proposed 4-lot Subdivision
TMK: (4) 2-6-004:010, 011, 018, 063; 2-6-015:008
Kōloa, Kaua‘i

1. Subdivision Report pertaining to this matter.

- c. Subdivision Application No. S-2016-4
(Waioli Surf Shack Holdings, LLC.)
Proposed 2-lot Consolidation
TMK: (4) 5-5-005:009, 010
Hanalei, Kaua‘i

1. Subdivision Report pertaining to this matter.

- d. Subdivision Application No. S-2016-5
(Pila‘a International/West Beach Kaua‘i, LLC.)
Proposed 3-lot Boundary Adjustment
TMK: (4) 5-1-004:008, 014, 032
Pila‘a, Kaua‘i

1. Subdivision Report pertaining to this matter.

- e. Subdivision Application No. S-2016-6
(Brian Lansing)
Proposed 2-lot Consolidation
TMK: (4) 5-1-005:132
Waiakalua, Kaua‘i

1. Subdivision Report pertaining to this matter.

2. Final Subdivision Action

- a. Subdivision Application No. S-2013-22
(Cheryl Cowden Schenck)
Proposed 2-lot Boundary Adjustment
TMK: (4) 4-9-012:005
Moloa‘a, Kaua‘i

1. Subdivision Report pertaining to this matter.

J. ADJOURNMENT

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Pursuant to Section 8-27.8 (6) of the Kaua'i County Code (1987), as amended, the following shoreline setback determinations by the Director are disclosed for purposes of public notification.

October 27, 2015

SHORELINE SETBACK DETERMINATIONS

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
SSD-2016-25	Moti Jandani	2-8-019:010	Koloa	Interior renovations, upgrade to septic system, certified shoreline
SSD-2016-27	William Davidow	5-8-008:038	Hanalei	Fence
SSD-2016-28	Evan Goldberg	2-8-017:005	Poipu	Fence, benches, stepping stones
SSD-2016-29	Nawiliwili Yacht Club	3-2-003:043	Lihue	New kitchen and interior renovations
SSD-2016-30	William Davidow	5-8-008:024	Hanalei	Expansion of downstairs storage, interior renovations

SHORELINE SETBACK DETERMINATIONS NOT APPLICABLE

Application No.	Name of Applicant(s)	Property I.D. (Tax Map Key)	Location	Reasons
	Halelea Investment Company LLC	5-5-010:081	Hanalei	N/A
	Hyatt Regency Poipu	2-9-001:002	Koloa	N/A